



Crl.O.P.No.5137 of 2024

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C.V.KARTHIKEYAN, J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 11(1), 11(2), 12 of Protection of Child from Sexual Offences Act, 2012 and Section 341, 294(b), 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No. 03 of 2024, seek anticipatory bail.

2. It is stated that these petitioners were continuously stalking the victim child. An earlier complaint had been lodged and CSR had been registered and the petitioners had been warned but still they continue with that.

3. Affidavits of each one of the two petitioners have been filed and they have both stated as follows:-

“I further humbly submits that to prove my bonafide, I am undertakes, promise and assure that in future, I am not disturb the informant and her family members in manner.”

4. With the hope that the petitioners would keep particular undertaking given by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Mahalir Neethimandram at Tiruvallur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. Additionally, copy of the same affidavits must also be filed before the learned Sessions Judge, Mahalir Neethimandram, Tiruvallur, who may keep it on the records and if there is violation, take appropriate action to cancel this anticipatory bail order.

13.03.2024

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